

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 1, 1999

DIVISION ONE

B120611 MML, Inc. (Not for Publication)

V.

Executive Sounding Board Associates, Inc.

The judgment is affirmed, and the motion for sanctions is denied.

Masterson, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B124932 People (Not for Publication)

V.

Jody Lane Peoples

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.

Vogel (Miriam A.), J.

B120752 People (Not for Publication)

V.

Raymond Mathews

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.

Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B123046 DMD industrial Associates I (Not for Publication)
 v.
 MML, Inc., et al.

On remand, the trial court is directed to strike \$213 from the amount of costs awarded to plaintiff. In all other respects, the judgment and the award of attorneys' fees and costs is affirmed. Plaintiff is entitled to recover costs on appeal.

Masterson, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B122555 People (Not for Publication)
 v.
 Stacey Dwayne Bullock et al.

As to appellant Bullock, the judgment is affirmed and the trial court is ordered to modify the judgment by striking the enhancements imposed on counts 1 and 2 pursuant to Penal Code section 12022, subdivision (a)(1).

As to appellant Lauriano, the judgment is affirmed and the trial court is ordered to modify the judgment by striking the enhancement imposed on count 3 pursuant to Penal Code section 12022.5, subdivision (a)(1), and the enhancement imposed on count 4 pursuant to Penal Code section 12022, subdivision (a)(1). At that time the trial court may elect to treat count 4 as the principal term, and impose an upper-term sentence for assault and an upper-term enhancement pursuant to Penal Code section 12022.5, subdivision (a)(1).

As to both appellants, the trial court is further ordered to review the modified abstracts of judgment to ensure that they properly reflect the actual sentences imposed and the correct totals of those sentences, and to forward copies of the modified abstracts to the Department of Corrections.

Masterson, J.

We concur: Spencer, P.J.
 Ortega, J.

June 1, 1999-Continued

DIVISION ONE (Continued)

B126640 People (Not for Publication)
v.
George Vernon Williams, Jr.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B115020 Kenneth Roy Koontz (Not for Publication)
v.
Sheldon Park Homeowners Association et al.

The judgments are affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B126885 Sexton et al. (Not for Publication)
v.
Bally Total Fitness Corporation et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Nott, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

DIVISION TWO (Continued)

B111799 Gupta et al. (Not for Publication)
 v.
 20th Century Insurance Company

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION FOUR

B112788 Grillo et al. (Not for Publication)
 v.
 The Humane Society of the United States

The judgment (order imposing sanctions) is affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B111158 Zimmerman (Not for Publication)
 v.
 Mannis et al.

The judgment is reversed, and the matter is remanded for further proceedings in accordance with this opinion. Appellant is awarded his costs on appeal.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION FOUR (Continued)

B130907 Weston, et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Graham, r.p.i.)

The alternative writ having served its purpose, it is discharged. Let a writ of mandate issue directed to the trial court ordering the trial court to vacate its order overruling petitioners' demurrer and instead enter a new order sustaining the demurrer without leave to amend. Costs are awarded to petitioners.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

Court convened at 8:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.

B124218 County of Los Angeles
v.
Joanne Smith

Merits:
Argued by Susan E. Skelding for appellant and cross-respondent and by Thomas E. Beltran for respondent and cross-appellant. Cause submitted.

B127198 Emanuel Baker et al.
v.
State Farm Fire and Casualty Co.

Merits:
Argued by Ellen A. Pansky for appellants and by Pamela E. Dunn for respondents. Cause submitted.

DIVISION FIVE (Continued)

B116433 People
 v.
 Elmer Walker

Merits:

Argued by Kyle Marie Wesendorf for appellant and by Thomas C. Hsieh, deputy attorney general, for respondent. Submission deferred, supplemental briefs due June 11, 1999, matter to be submitted on June 11, 1999.

B128589 Terry Neal Christensen
 v.
 Susan Lee Christensen

Merits:

Argued by Judith Salkow Shapiro for appellant and by Thomas Paine Dunlap for respondent. Cause submitted.

The court recessed at 9:40 a.m.

The Court reconvened at 9:45 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J., and J. Belcher, Deputy Clerk.

Each of the following:

B124415 People v. Russell Grant
B121358 People v. Broc James
B124373 People v. Lennie Sims
B125076 People v. Anthony L.

Argument waived, cause submitted.

B120202 Roy Robinson
 v.
 City of Temple City et al.

Merits:

Argued by Howard R. Price for appellant and by Steven J. Renick for respondents. Cause submitted.

DIVISION FIVE (Continued)

B124794 Samuel Mongiello
v.
A. Fanticola Companies, Inc.

Merits:
Argued by B. Daniel Lynch for appellant and by Marshall G. Mintz for respondent. Cause submitted.

B122795 Nova Transportation Services, Inc., et al.
v.
Fu Chan et al.

Merits:
Argued by Andrew K. Ulich for appellants and by Stephen A. Mills for respondents. Cause submitted.

B125035 Jody Roberson
v.
Lockheed Federal Credit Union

Merits:
Argued by Robert A. Brown for appellant and by Carleton Burch for respondent. Cause submitted.

The court recessed at 11:15 a.m.

The Court reconvened at 11:45 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J., and J. Belcher and Zaida G. Heraldez, Deputy Clerks.

Each of the following:

B127511 People v. Bridgett A.
B120971 People v. Benny Sanchez
B125594 Nijjar v First Federal Bank
B125486 DCFS v. David D.

DIVISION FIVE (Continued)

Each of the following (cont.):

B128441 DCFS v. Veronica V.
B128519 People v. James Young

Argument waived, cause submitted.

B118801 Ezequiel Garcia
 v.
 Jesse Jimmy Ramos

Merits:

Argued by Jesse Jimmy Ramos in propria persona and by Heidi E. Hunt for respondent. Cause submitted.

B120806 Far East National Bank
 v.
 Cayman Investment Corporation

Merits:

Argued by David A. Stall for appellant O'Brien and by Michael A. Firestein for respondent. There being no appearance on behalf of appellant Kenney, cause submitted.

Court recessed.

The Court reconvened at 12:05 p.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B120622 People v. Daniel Laury
B124588 People v. Joseph Tennard
B125906 DCFS v. Regina B
B130101 Candy S. v. S.C.L.A. (DCFS)

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B117217 Caldwell Johnson
 v.
 W.C.A.B.
 (City of Los Angeles, R.P.I.)

Merits:

Argued by Lawrence Silver for petitioner and by William G. Lorenzetti for respondent. Cause submitted.

B123421 People
 v.
 Raj Gupta

Merits:

Argued by John F. Schuck for appellant and by Andrew D. Amerson, Deputy Attorney General, for respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:00 p.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.

Each of the following:

B121978 Wiegand v. Wiegand
B126272 Genie Fantasy v. Gross

Argument waived, cause submitted.

B118278 Madeleine Stevens et al.
 v.
 Lawrence Heller et al.

Merits:

Argued by William Litvak for appellants and by Thomas N. Charcut for respondents. Cause submitted.

DIVISION FIVE (Continued)

B121774 Scoey Mitchell
 v.
 Lanark Properties, Ltd., et al.

Merits:
Argued by Douglas F. Galanter for appellant and by John B. Taylor for
respondents. Cause submitted.

B123318 Kenneth Blair et al.
 v.
 Interstate Warner Marriot

Merits:
Argued by Ronald Wrinkle for appellants and by James S. Link for
respondent. Cause submitted.

B119114 Gilbert Dreyfuss et al.
 v.
 Union Bank of California

Merits:
Argued by Charles A. Hansen for appellants and by Michael J. Finnegan for
respondent. Cause submitted.

Court Adjourned.

B119092 Michael M. Sherman
 v.
 Jerome Sherman et al.

Filed order denying petition for rehearing.

B108502 Stanley G. Auerbach et al.
 v.
 County of L.A. Board of Supervisors

Filed order denying petition for rehearing.

DIVISION SIX

B125624 Malibu Bay Club (Not for Publication)
v.
Hawks & Associates

The order denying attorney's fees is affirmed. Each side is to bear its own costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
Matz, J. (Assigned)

B122845 People (Not for Publication)
v.
Hugo C.

The juvenile court's dispositional order is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
Yegan, J.

B125751 People (Not for Publication)
v.
Cervantes

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
Yegan, J.

June 1, 1999-Continued

DIVISION SIX (Continued)

B125191 Boatner (Not for Publication)
v.
Gruman et al.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Gilbert, Acting P.J.

We concur: Coffee, J.
Burke, J. (Assigned)

B117601 Vassallo (Not for Publication)
v.
Keller et al.

The judgment is affirmed. Appellant shall bear costs on appeal.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B122952 People (Not for Publication)
v.
Akers

The sentence is modified to like with the possibility of parole. In all other respects the judgment is affirmed.

Gilbert, Acting P.J.

We concur: Coffee, J.
Burke, J. (Assigned)

June 1, 1999-Continued

DIVISION SIX (Continued)

B122437 Johnson (Not for Publication)
v.
City of Arroyo Grande

The judgment is affirmed. Appellant shall bear costs on appeal.

Gilbert, Acting P.J.

We concur: Coffee, J.
Burke, J. (Assigned)

DIVISION SEVEN

B123635 City of Burbank
v.
Burbank-Glendale-Pasadena Airport Authority

Filed order denying petition for rehearing.

B123632 City of Burbank
v.
Burbank-Glendale-Pasadena Airport Authority

Filed order denying petition for rehearing.